

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RICHARD J. MARKLE ET AL.

Serial No.: 09/897,573

Filed: July 2, 2001

For: METHOD AND APPARATUS FOR  
DETERMINING GRID DIMENSIONS  
USING SCATTEROMETRY

Group Art Unit: 2877

Examiner: Gordon J. Stock, Jr.

Atty. Dkt. No.: 2000.089400/TT4865

CUSTOMER NO. 23720

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

**MAIL STOP ISSUE FEE**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

The Office Mailed a Notice of Allowance on June 20, 2007, allowing pending claims 1-47. The due date for paying the Issue Fee is September 20, 2007. This paper is being electronically filed on or before the due date, therefore it is timely filed.

It appears that, for convenience, the Examiner has paraphrased the claimed language in the Reasons for Allowance. While the Applicants understand the Examiner's desire to use convenient phraseology, the Applicants note that the proper scope of the claims should be governed based on the express language of the claims themselves in the event there is any inconsistency (actual or perceived) between the claimed language and the Examiner's paraphrasing. Furthermore, words used in the Examiner's paraphrasing should not be construed as claim limitations if the claims themselves do not include the language referenced by the Examiner. Other references or characterizations made by the

Examiner in his Reasons for Allowance that are not present in the claims are not to be construed as limitations.

The intended respective scopes of the claims are defined by the respective languages recited in the claims.

Should the Examiner have any questions, **the Examiner is invited to call the undersigned attorney** at the Houston, Texas telephone number (713) 934-4069.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.

Date: July 18, 2007

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